IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

TUESDAY, THE 5TH JUNE 2007 / 15TH JYAISHTA 1929

WP(C).No. 4932 of 2006(K)

PETITIONER:

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1. N.P. PRABHAKARAN,
   HIGHER SECONDARY SCHOOL TEACHER (ZOOLOGY),
   G.G.H.S.S., BALUSSERY.

2. SHAKEELA A.P.,
   HIGHER SECONDARY SCHOOL TEACHER (ZOOLOGY),
   GOVT. H.S.S. BEYPORE.

3. AMBILI K.N.,
   HIGHER SECONDARY SCHOOL TEACHER (ZOOLOGY),
   GOVT. MODEL HIGHER SECONDARY SCHOOL, KOZHIKODE.

4. SALIL P.,
   HIGHER SECONDARY SCHOOL TEACHER (ZOOLOGY),
   GOVT. SANSKRIT H.S.S., MEPPAYIL, VATAKARA,
   KOZHIKODE DISTRICT.

BY ADV. SRI.P.CHANDRASEKHAR

RESPONDENTS:

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1. THE STATE OF KERALA,
   REPRESENTED BY CHIEF SECRETARY,
   GOVERNMENT OF KERALA, SECRETARIAT,
   THIRUVANANTHAPURAM.

2. THE DIRECTOR OF HIGHER SECONDARY
   EDUCATION, HOUSING BOARD BUILDINGS,SANTHI NAGAR,
   THIRUVANANTHAPURAM.

3. BEERAN THENUTTIKALLINGAL,
   PRINCIPAL, G.H.S.S. KAVANUR, ELAYOOR (P.O),
   MALAPPURAM DISTRICT.

BY ADV. SRI.BABU S. NAIR
GOVERNMENT PLEADER SMT.M.R.SREELATHA.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

EXT.P1: TRUE COPY OF ORDER DT. 25/5/2004.

EXT.P2: TRUE COPY OF ORDER DT. 7/7/2005.

EXT.P3: TRUE COPY OF RELEVANT PAGES OF SERVICE BOOK.

EXT.P4: TRUE COPY OF PETITION DT. 23/11/2005.

EXT.P5Y OF LETTER OF PRINCIPAL TO R2.

EXT.P6: TRUE COPY OF DISCHARGE CERTIFICATE DT. 16/4/93.

EXT.P7: TRUE COPY OF ORDER DT. 7/8/93.

EXT.P8: TRUE COPY OF APPLICATION DT. 4/10/2005.

EXT.P9: TRUE COPY FO LETTER DT. 5/10/2005.

A.K. Basheer, J.

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W.P(C) No. 4932 of 2006-K

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Dated this the 5th day of June, 2007.

J U D G M E N T

Petitioners are Higher Secondary School Teachers now working in various Govt. schools. Their grievance is that they have been denied promotion as Principal while several of their juniors have been promoted. The prayer is to issue a direction to promote them from the date their juniors have been appointed already.

2. Having heard learned counsel for the petitioners and the learned Government Pleader, I am satisfied that respondent No.2 has to be directed to reconsider the matter in the light of Exts.P3, P5 and P7. There is force in the contention raised by petitioners 1 and 4 that the period of their prior teaching experience had not been taken into account while considering the request for promotion as Principal.

3. Learned Govt. Pleader submits that an appropriate decision in the light of the documents referred to above will be taken by respondent No.2 without any further delay.

4. The submission made by the learned counsel that petitioners 2 and 3 have subsequently been promoted during the pendency of the writ petition and that therefore those petitioners do not have any grievance at present is recorded.

5. In the above facts and circumstances the writ petition is disposed of with a direction to respondent No.2 to take a fresh decision in the matter as regards the claim of petitioners 1 and 4 for promotion to the post of Principal in the light of Exts.P3, P5 and P7,

strictly on the merit of the claim and in accordance with law, as expeditiously as possible, at any rate within 2 months from the date of receipt of a copy of this judgment. Respondent No.2 shall ensure that petitioners 1 and 4 and all others who are likely to be affected by any order that may be passed by him are afforded sufficient opportunity to be heard before any decision is taken in the matter . Needless to mention that if the claim of the petitioners is allowed, they will be entitled to get the entire consequential benefits.

A certified copy of the judgment along with a copy of the writ petition and other connected records including the counter affidavit filed by respondent No.2 shall be produced by petitioners 1 and 4 before the appropriate authority for compliance.

A.K. Basheer
Judge.

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